

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDRES C. HERNANDEZ,
Plaintiff,
v.
RICHARD WEISS,
Defendant

No. 2:20-cv-01006-TLN-JDP

ORDER

Plaintiff, a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 7, 2021, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed June 7, 2021, are ADOPTED IN FULL;

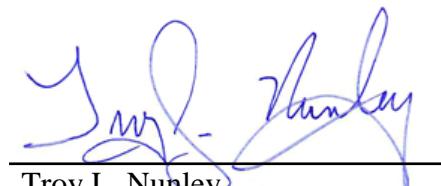
3 2. Defendant's motion to dismiss (ECF No. 18) is GRANTED and Plaintiff's state law

4 malpractice claims are DISMISSED without leave to amend; and

5 3. This action shall proceed only on plaintiff's Eighth Amendment deliberate

6 indifference claims.

7 DATED: July 14, 2021

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11 Troy L. Nunley
12 United States District Judge

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